

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

October 23, 2009

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.:09KD-113

KAUAI

Set Aside to the Board of Regents of the University of
Hawaii for Addition to Kauai Agricultural Experiment
Station, Wailua, Kauai, Tax Map Key:(4) 4-2-1:5 and 6.

APPLICANT:

Board of Regents of the University of Hawaii

LEGAL REFERENCE:

Section 171-11, Hawaii Revised Statutes (HRS), as amended.

LOCATION:

Portion of Government lands of Wailua, situated at Kauai,
identified by Tax Map Key: (4) 4-2-1:5 and 6, as shown on the
attached map labeled Exhibit A.

AREA:

1.81 acres, more or less.

ZONING:

State Land Use District: Agricultural
County of Kauai CZO: Agricultural

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State
Constitution: YES _____ NO _____x

CURRENT USE STATUS:

Vacant and unencumbered.

PURPOSE:

Addition to Kauai Agricultural Experiment Station purposes.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

This action before the Board is merely a transfer of management jurisdiction and does not constitute a use of State lands or funds, and therefore, this action is exempt from the provisions of Chapter 343, HRS, relating to environmental impact statements.

Inasmuch as the Chapter 343 environmental requirements apply to Applicant's use of the lands, the Applicant shall be responsible for compliance with Chapter 343, HRS, as amended.

APPLICANT REQUIREMENTS:

Not Applicable. Survey maps to be provided by DAGS Survey Division.

BACKGROUND:

The First Session of the First State Legislature, State of Hawaii, established a Kauai Branch Station of the Hawaii Agricultural Experiment Station. The operating budget provides an appropriation and positions to staff the Station, and the capital budget appropriates \$110,600 in addition to \$31,200 appropriated by Act 224, Session Laws of Hawaii 1959, for a total of \$141,800 for capital improvements, land acquisition, improvements to land, and necessary equipment.

The Land Board at its meeting in December 1960, approved to set aside lands for a Kauai Branch of the Hawaii Agricultural Experiment Station. Money was appropriated by the Legislature after University officials reported a need for agricultural research facilities on the Garden Island. The new branch station would be able to study soils and climatic conditions peculiar to Kauai to better help the Garden Island farmers. Former Governor William F. Quinn on September 5, 1961 signed Executive Order No. 1967 to the Board of Regents of the University of Hawaii covering a net area of 242.45 acres, excluding the North Wailua Ditch (tunnel), Lateral Ditch No. 1, Kuamoo Road, and Ditchman's House and Lot.

The Land Board at its meeting of November 8, 1968, under agenda Item F-14, approved to withdraw from General Lease and Governor's Executive Order No. 1967 approximately 8.505 acres for the Department of Transportations (DOT) Phase I and II Wailua Falls Loop Road Project Nos. G-3329-01-63 and BD-67-359. The subject lands were to be set aside to DOT. Former Governor John A. Burns on April 1, 1969 signed Executive Order No. 2433 (withdrawal) and later on May 22, 1969 signed Executive Order No. 2449 (set aside to DOT).

The Land Board at its meeting of October 12, 2007, under agenda D-1, approved to withdraw from Governor's Executive Order 1967 approximately 11.698 acres. The subject lands were to be set aside to DLNR, Division

of Aquatic Resources (DAR) for the Wailua Public Fishing Area, Educational, and Recreation project.

Recently, DAGS Survey Division discovered during the review of the subdivision map submitted by DAR for their set aside, that a portion of Kuamoo Road had been abandoned by DOT's 1968 Wailua Falls Loop Road Project. It appeared that UH was using it when it was specially excluded from Governor's Executive Order No. 1967. Staff contacted the UH staff and later contacted East Kauai Water Users Cooperative. The inquiry was to determine who was using or is responsible for: (1) the North Wailua Ditch (tunnel), (2) Lateral Ditch No. 1, (3) Kuamoo Road, and (4) Ditchman's House and Lot.

By memo dated September 10, 2009, Mr. Thomas Lim, UH Director of Planning and Management Systems noted that the North Wailua Ditch tunnel runs under and through current research plot fields. An entomology trailer now sits on a portion of the old Kuamoo Road. The Ditchman's House no longer exists. UH respectfully requests the Land Board approve to have these areas set aside to the UH.

REMARKS:

Staff checked with East Kauai Water Users Cooperative. They have no need for the Ditchman's House and Lot because it is landlocked. The tunnel easement is still needed by East Kauai Water Users Cooperative for the Wailua Reservoir. They have no objections to the use of the lands above the tunnel as long as the UH doesn't build any structures. No one really knows how far down, the tunnel is located. Lateral Ditch No. 1 is maintained by the East Kauai Water Users Cooperative and is needed for the Wailua Reservoir.

Comments were solicited from:

DHHL	No objections
County Planning	No objections
Division of Aquatic Resources	No response
OHA	No objections
East Kauai Users Cooperative	No response

Therefore, staff is recommending this area be set aside to the UH subject to the tunnel easement. UH is now aware of the existence of this underground tunnel and has no objections and will work with the East Kauai Water Users Cooperative. Given that the UH has been utilizing and responsible for the subject areas for some time, staff is recommending Land Board approval.

RECOMMENDATION:

That the Board, subject to Applicant fulfilling the Applicant Requirements above:

1. Approve of and recommend to the Governor the issuance of an executive order setting aside the subject lands to University of Hawaii under the terms and conditions cited above, which are by this reference incorporated herein and subject further to the following:
 - A. The standard terms and conditions of the most current executive order form, as may be amended from time to time;
 - B. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the setting aside;
 - C. Review and approval by the Department of the Attorney General; and
 - D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Charlene E. Unoki
Assistant Administrator

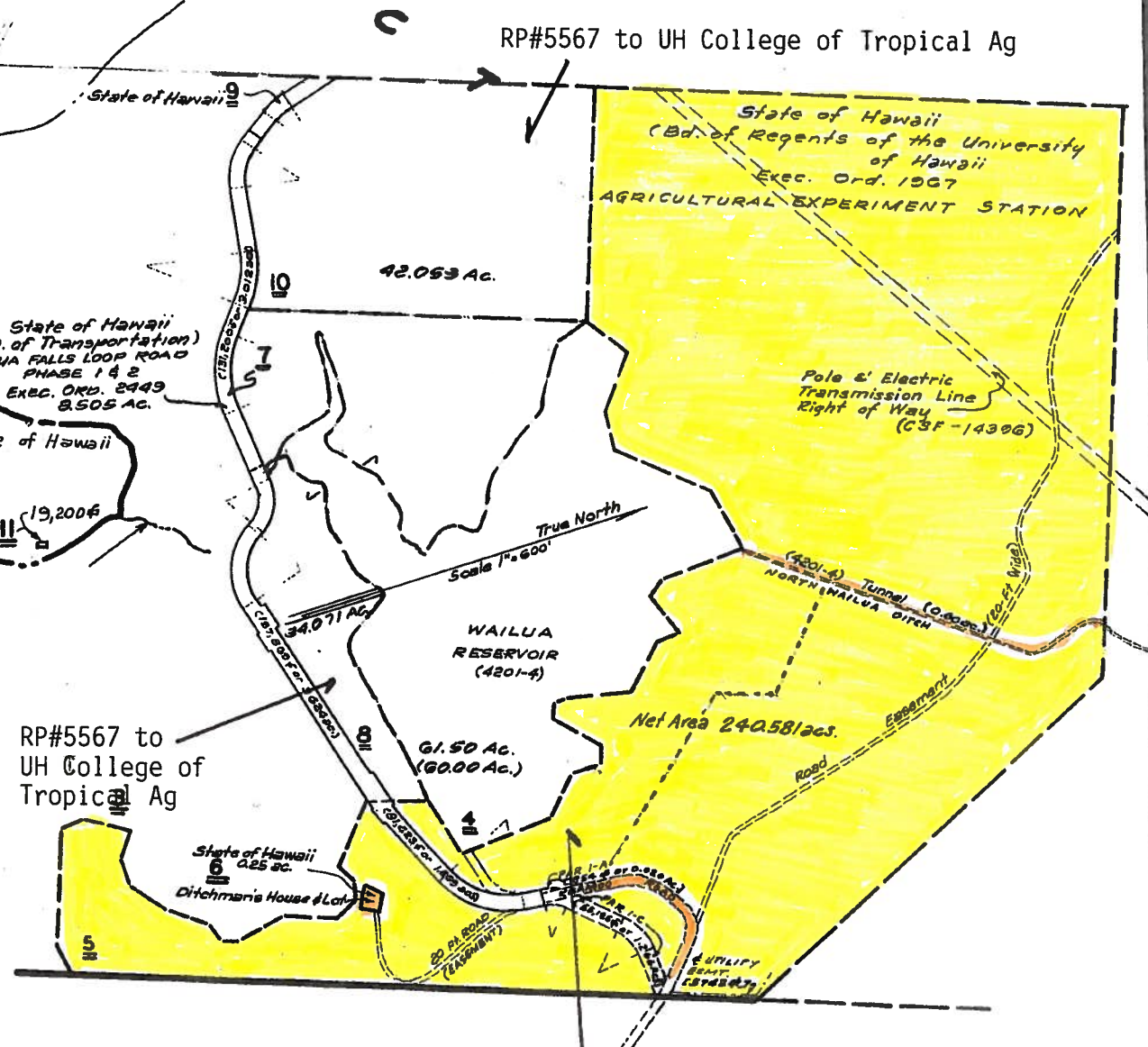
APPROVED FOR SUBMITTAL:



Laura H. Thielen, Chairperson

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 tric
 State of Hawaii
 (Dept. of Transportation)
 WAILUA FALLS LOOP ROAD
 PHASE 1 & 2
 EXEC. ORD. 2449
 8,505 AC.
 State of Hawaii
 19,200 ft.
 SEC. 6
 K A P A A



ENLARGEMENT
 Scale 1 inch = 600 Feet

Approximate area for Division of Aquatic Resources wailua Public Fishing Area

EXHIBIT "A"

SUBJECT TO CHANGE

TAXATION MAPS BUREAU		
TERRITORY OF HAWAII		
TAX MAP		
FOURTH		DIVISION
ZONE	SEC	PLAT
4	2	01
CONTAINING 2 PARCELS		
SCALE 1 in = 2000 ft.		

Executive Order No. 1967

Setting Aside Land for Public Purposes

By this Executive Order, I, the undersigned, Governor of the ^{State} Territory of Hawaii,
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by virtue of the authority in me vested by Section 94 of the Hawaiian Organic Act, and every other
authority me hereunto enabling, do hereby order that the public land hereinafter described be,
and the same is, hereby set aside for the ^{following public purposes:} ~~use and purposes of the United States of America.~~

**FOR Agricultural Experiment Station (Kauai Branch), to be
under the control and management of the Board of Regents of
the University of Hawaii.**

UNIVERSITY OF HAWAII

AGRICULTURAL EXPERIMENT STATION
(Kauai Branch)

Wailua, Kawaihau (Puna), Kauai, Hawaii

Being portion of the Government (Crown) Land of Wailua

Beginning at the east corner of this parcel of land,
and the north corner of Grant 12106 to Katsuto Arashiro (Lot
15, Wailua Homesteads, 1st Series), the coordinates of said
point of beginning referred to Government Survey Triangulation
Station "NOMOU" being 2042.80 feet North and 13665.30 feet West,
as shown on Government Survey Registered Map 2601, thence run-
ning by azimuths measured clockwise from True South:-

1. 19° 37' 3316.57 feet along Grant 12106 to Katsuto
Arashiro (Lot 15, Wailua Home-
steads, 1st Series), across
Kumao Road, and along Grant
9671 to Roland Earl Israel
(Lot 31, Wailua Homesteads, 1st
Series);
2. 79° 07' 159.00 feet along Government land covered by
General Lease 3520 to Hawaiian
Fruit Packers, Limited;
3. 109° 30' 565.00 feet along Government land covered by
General Lease 3520 to Hawaiian
Fruit Packers, Limited;
4. 176° 00' 120.00 feet along Government land covered by
General Lease 3520 to Hawaiian
Fruit Packers, Limited;

EXHIBIT "B"

5. 212° 00' 225.00 feet along Government land covered by General Lease 3520 to Hawaiian Fruit Packers, Limited;
6. 309° 00' 130.00 feet along Government land covered by General Lease 3520 to Hawaiian Fruit Packers, Limited;
7. 268° 00' 150.00 feet along Government land covered by General Lease 3520 to Hawaiian Fruit Packers, Limited;
8. 228° 00' 230.00 feet along Government land covered by General Lease 3520 to Hawaiian Fruit Packers, Limited;
9. 214° 00' 170.00 feet along Government land covered by General Lease 3520 to Hawaiian Fruit Packers, Limited;
10. 250° 00' 120.00 feet along Government land covered by General Lease 3520 to Hawaiian Fruit Packers, Limited;
11. 193° 00' 85.00 feet along Government land covered by General Lease 3520 to Hawaiian Fruit Packers, Limited;
12. 170° 00' 260.00 feet along Government land covered by General Lease 3520 to Hawaiian Fruit Packers, Limited;
13. 201° 00' 250.00 feet along Government land covered by General Lease 3520 to Hawaiian Fruit Packers, Limited;
14. 152° 00' 140.00 feet along Government land covered by General Lease 3520 to Hawaiian Fruit Packers, Limited;
15. 97° 00' 100.00 feet along Government land covered by General Lease 3520 to Hawaiian Fruit Packers, Limited;
16. 60° 00' 90.00 feet along Government land covered by General Lease 3520 to Hawaiian Fruit Packers, Limited;
17. 132° 00' 350.00 feet along Government land covered by General Lease 3520 to Hawaiian Fruit Packers, Limited;
18. 197° 00' 290.00 feet along Government land covered by General Lease 3520 to Hawaiian Fruit Packers, Limited;
19. 254° 00' 303.72 feet along Government land covered by General Lease 3520 to Hawaiian Fruit Packers, Limited;
20. 178° 00' 464.26 feet along Government land covered by General Lease 3520 to Hawaiian Fruit Packers, Limited;

21. 132° 00' 250.00 feet along Government land covered by
General Lease 3520 to Hawaiian
Fruit Packers, Limited;
22. 181° 00' 140.00 feet along Government land covered by
General Lease 3520 to Hawaiian
Fruit Packers, Limited;
23. 106° 00' 90.00 feet along Government land covered by
General Lease 3520 to Hawaiian
Fruit Packers, Limited;
24. 46° 00' 260.00 feet along Government land covered by
General Lease 3520 to Hawaiian
Fruit Packers, Limited;
25. 105° 00' 70.00 feet along Government land covered by
General Lease 3520 to Hawaiian
Fruit Packers, Limited;
26. 168° 00' 70.00 feet along Government land covered by
General Lease 3520 to Hawaiian
Fruit Packers, Limited;
27. 192° 00' 330.00 feet along Government land covered by
General Lease 3520 to Hawaiian
Fruit Packers, Limited;
28. 133° 00' 260.00 feet along Government land covered by
General Lease 3520 to Hawaiian
Fruit Packers, Limited;
29. 170° 00' 120.00 feet along Government land covered by
General Lease 3520 to Hawaiian
Fruit Packers, Limited;
30. 70° 00' 210.00 feet along Government land covered by
General Lease 3520 to Hawaiian
Fruit Packers, Limited;
31. 140° 00' 110.00 feet along Government land covered by
General Lease 3520 to Hawaiian
Fruit Packers, Limited;
32. 177° 00' 400.00 feet along Government land covered by
General Lease 3520 to Hawaiian
Fruit Packers, Limited;
33. 79° 00' 320.00 feet along Government land covered by
General Lease 3520 to Hawaiian
Fruit Packers, Limited;
34. 41° 00' 500.00 feet along Government land covered by
General Lease 3520 to Hawaiian
Fruit Packers, Limited;
35. 93° 00' 190.00 feet along Government land covered by
General Lease 3520 to Hawaiian
Fruit Packers, Limited;
36. 127° 00' 300.00 feet along Government land covered by
General Lease 3520 to Hawaiian
Fruit Packers, Limited;

37. 54° 00' 240.00 feet along Government land covered by General Lease 3520 to Hawaiian Fruit Packers, Limited;
38. 109° 37' 1150.00 feet along Government land covered by General Lease 3520 to Hawaiian Fruit Packers, Limited;
39. 199° 37' 2570.00 feet along the Public Hunting Ground and Upland Game Bird Reserve (Executive Order 1389);
40. 289° 37' 2760.00 feet along the Public Hunting Ground and Upland Game Bird Reserve (Executive Order 1389);
41. 334° 40' 2310.00 feet along the Public Hunting Ground and Upland Game Bird Reserve (Executive Order 1389) to the point of beginning and containing a GROSS AREA OF 245.56 ACRES and a NET AREA OF 242.45 ACRES, after excepting and excluding therefrom North Waihua Ditch 15.00 feet wide (0.60 Acre), Lateral Ditch No. 1 15.00 feet wide (0.30 Acre), KUAMOO ROAD 50.00 feet wide (1.96 Acres), and Ditchman's House and Lot (0.25 Acre).

RESERVING to the State of Hawaii, its successors and assigns, in perpetuity, easements for road rights-of-way, 20.00 feet wide over and across the above-described parcel of land, as shown on plan attached hereto and made a part hereof.

THIS EXECUTIVE ORDER is subject to the following conditions:

1. That the area shall be used as an agricultural experiment station only; and
2. That the executive order will be cancelled automatically after one year's abandonment or non-use as an agricultural experiment station; and
3. That within ten (10) years from the date of the issuance of the executive order, the entire area of 242.45 acres shall be utilized by the University, otherwise, any acreage not utilized will automatically revert to the State.

In Witness Whereof, I have hereunto set my hand and caused the Great Seal of the ~~State~~ of Hawaii to be affixed.

Done at the Capitol at Honolulu this 5th day of September, Nineteen Hundred and Sixty one

William F. Quinn
Governor of the State of Hawaii

Approved as to form:

Shiro F. Kawa
Attorney General T. T.
Checked by: *nh*